**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

**WRIT PETITION NO. 7327 OF 2005**
ALONG WITH
CIVIL APPLICATION NO. 81 OF 2006

Gupta Ramesh Baburao ... Petitioner

Versus

The State of Maharashtra and Ors. Respondents

Mr. Uday P. Warunjikar for Petitioner/Applicant.

Mr. V.P. Malvankar, A.G.P. for R. Nos. 1 and 2.

**CORAM : F.I. REBELLO &**
**DR.D.Y.CHANDRACHUD,JJ.**
**DATED : JANUARY 17, 2006**

P.C.

. The present petition is by the Petitioner in the matter of increase of lease rent. The Petitioner had earlier filed the suit wherein issues had been framed and evidence has been led. The Civil Court by Judgment in Regular Civil Suit No. 2519 of 2000 dated 19.11.2000 in so far as the issue as to whether the increase in the maintenance charges is legal, held against the Petitioner herein. In the course of the discussion, there was also a finding recorded that the Petitioner may have a remedy by way of appeal. The Petitioner thereafter preferred

an appeal which has been rejected. It is against this order that the present petition have been filed.

. The main issue which the Petitioner contends herein is that the lease rent in respect of the area allotted to him ought not to have been enhanced. This does not pertain to market fees but purely the increase of lease in respect of the land which is a pure contract between the two parties. Apart from that after the parties have led evidence, and the Civil Court has recorded the finding, we do not find this to be a fit case where this court should exercise its extra ordinary jurisdiction.Hence, Petition along with Civil Application rejected.

. We make it clear that it is open to the Petitioner to avail of the remedy to which he may be entitled to in law and this order will not stand in his way.

**(F.I. REBELLO,J.)**

**(DR. D.Y. CHANDRACHUD,J.)**